

JUDGE GRIESA

08 CV 00460

Michael J. Frevola
Lissa D. Schaupp
HOLLAND & KNIGHT LLP
195 Broadway
New York, NY 10007-3189
(212) 513-3200

ATTORNEYS FOR PLAINTIFF
COSCO SHIPYARD (GROUP) CO., LTD.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COSCO SHIPYARD (GROUP) CO., LTD.,

Plaintiff,

-against

BULK CONTAINER SHIPPING INC., and
COMMODITY UNIVERSAL LTD.,

Defendants.

08 Civ. _____

**AFFIDAVIT IN
SUPPORT OF
OF ATTACHMENT**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Michael J. Frevola, being duly sworn, deposes and says:

1. I am a member of the firm of Holland & Knight LLP, attorney for plaintiff COSCO Shipyard (Group) Co., Ltd., and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the Writ of Attachment.

3. Defendants Bulk Container Shipping Inc. ("BCS") and Commodity Universal Ltd. ("Commodity") are not listed in the telephone directory of the principal metropolitan areas in this district, nor are they listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

4. Our office contacted the Secretary of State for the State of New York and was advised that defendants BCS and Commodity are not New York business entities, nor are they foreign business entities authorized to do business in New York.

5. To the best of my information and belief, defendants BCS and Commodity cannot be found within this district or within the State of New York.

6. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the defendants BCS and Commodity are liable to Plaintiff for the damages alleged in the Verified Complaint, which amounts, as best as can be presently determined, amount to a total of US\$2,884,023.

7. Upon information and belief, defendants BCS and Commodity have property, goods, chattels or effects within this jurisdiction, to wit: funds or accounts held in the names of Bulk Container Shipping Inc. and/or Commodity Universal Ltd. at one or more of the following financial institutions:

Bank of America, N.A.

Bank of China

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

ABN Amro Bank

Bank Leumi USA

Banco Popular

The Reported Imminent Sale of the Vessel

8. COSCO recently learned through industry sources that the Vessel reportedly is to be sold after its present voyage to Brazil.

9. Upon information and belief, BCS is a "single ship company" which has no assets other than the Vessel itself.

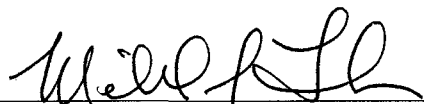
10. The Bahamian ship registry, which is the registry in which the Vessel is registered, has two mortgages recorded against the Vessel. True copies of the Vessel's mortgages are annexed to the Verified Complaint as Exhibit 9.

11. If the Vessel is sold, it is likely that the purchaser of the Vessel will convey a portion of the purchase price to the two lenders possessing mortgages on the Vessel, which conveyance will be the payment of consideration on behalf of BCS but which possibly would not mention BCS in the payment details.

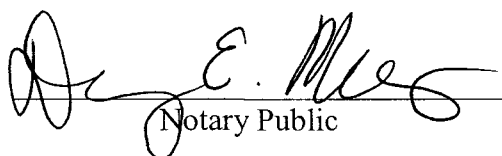
12. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to US\$2,884,023.

13. Because of the threat of imminent sale of the Vessel, Plaintiff respectfully requests that the Court not only order the issuance of a writ of attachment against BCS and Commodity, but also against electronic fund transfers in which the vessel UNIVERSAL CHALLENGER is referenced, even where such funds transfer does not specifically refer to Bulk Container Shipping Inc. and/or Commodity Universal Ltd.

WHEREFORE, Plaintiff respectfully requests that the application for an writ of maritime attachment and garnishment be granted.


Michael J. Frevola

Sworn to before me this
17th day of January, 2008


Notary Public

DIALYZ E. MORALES
Notary Public, State Of New York
No. 01MO6059215
Qualified In New York County
Commission Expires June 25, 2011